G.F. 71 & 72.

19 31

Department of Rev

OFFICE of the Board of Rev. & Agri.

STATION Madras.

Mis No. 2849
2849

Dated 17-9-31

13 3431
Rev
Part

To whom sent	Date	Initial
RECEIVED 16 SEP 1931	Given for copying -	
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	Examined	MR MP 16.9.31
	Signed	
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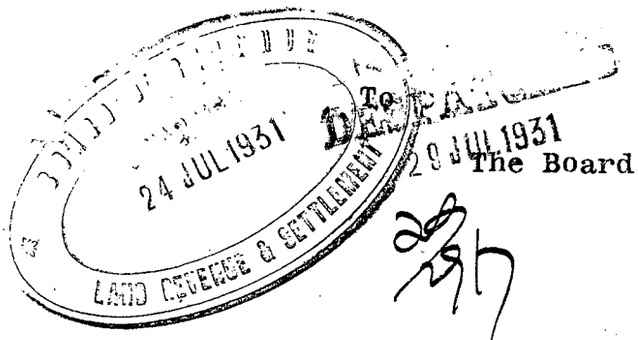


RD 45 and B3981

To

28 JUL 1931

The Board of Revenue,

M A D R A S.

On appeal from the orders of the Collector of the South Kanara District in D. Dis 4699/31 and L. Dis 6598/31.

Roque Fernandes, B.A.,L.T.,
Senior Assistant, Board High School, Udipi, S.K. ---------- Appellant.

Re - Darkhast assignment of S.Nos.78/3A1D and 78/3B2 of Mudanidaboor Village, Udipi Taluq, South Kanara.

Being aggrieved by the orders of the Collector of South Kanara D.Dis No.4699/31 and L.Dis No.6598/31, the appellant begs to prefer this for the following among other grounds:-

1. That the land applied for on Darkhast S.Nos 78/3A1D and 78/3B2 lies outside the limits of the Udipi Town.

2. That the said land forms the frontage to Appellant's mulageni land S.No.78/3A2A, and lies between the public road and Appellant's said mulageni holding.

3. That the land applied for on Darkhast is part of a disused quarry, in which are pits 6 to 8 feet in depth, and where water stagnates during the monsoons.

4. That on account of the stagnation of water as noted above the compound wall round Appellant's mulageni land S.No.78/3A2A, collapses year after year.

5. That Appellant had taken S.No.78/3A2A on mulageni for the purpose of building thereon a house for himself. But Appellant so far has not constructed one, as the land applied for on Darkhast and lying between the road and the said mulageni holding is,during the monsoons which last in this district for full five months in the year, turned into a large pool of dirty water. On this accoun the Appellant's mulageni holding is unapproachable from the road, and the swarms of mosquitoes bred on the stagnant water render th locality itself quite unhealthy and uninhabitable.

6. That none other than the Appellant himself could make any use of the land applied for on Darkhast and that after spending a good deal of money for filling up the ditches and levelling.

7. That the Collector of South Kanara on Appellant's persona representation inspected the locality and was pleased to note th grounds herein above mentioned. But as he had already rejected - Appellant's petition in D. Dis No.4699/31, he rejected Appellant application in L. Dis No.6598/31 remarking at the same time that Appellant's case is a hard one and that Appellant may appeal to this Board.

Appellant therefore humbly prays that on kind considerat of the above grounds this Board may be pleased to reverse the -- order of the Collector of South Kanara and order the assignment S.No.78/3A1D and S.No.78/3B2 to Appellant.

(U D I P I.)
Dated 21st July 1931)

A. Fernandes

Documents produced.

1. Order of the Collector of South Kanara in D. Dis No.4699/31 Dated 7th June 1931.
2. Order of the Collector of South Kanara in L. Dis No.6598/31 Dated 6th July 1931.

A. Fernandes

D.Dis.No.4699-31.

Proceedings of the Collector of South Kanara, dated the 7th June 1931.

Khan Bahadur J. Hussain, Bar-at-law.

Assignment - land - Udipi taluk - Mudanidambur village - S.Nos.78/3A1D and 78/3B2 - Appeal of Mr. Roque Fernades - Dismissed.

1. Appeal petition dated 7-5-1931 of Mr. Roque Fernades, B.A.,L.T., Udipi.
2. Coondapoor Sub Collector's D.Dis.3270-31, dated 27-5-1931.
3. The connected records.

SUB-TREASURY
JUN 1931
UDIPI
7/6
11.6.31

Order:-

The Collector cannot interfere. The appeal is dismissed.

Sd/- R. Subramanya Ayyar,
For Collector.

True Copy.
(By Order)

For Huzur Sheristedar.

To

The petitioner, through the Tahsildar of Udipi.
Copy to the Tahsildar of Udipi with the records of D.R.206/40 returned.
Copy to the Sub Collector, Coondapoor
Ref:- C.no. 8771-31,- MR.

Forwarded.

12.6.31 Tahsildar
12.6.31

L.Dis.No.6598-31.

Proceedings of the Collector of South Kanara, dated the 6th July 1931.

Khan Bahadur J. Hussain, Barrister-at-Law.

Assignment .- Land - Udipi Taluk - Mudanidamboor village - S.Nos.78/3A1D and 78/3B2 - Review petition - rejected.

1. Petition dated 29th June 1931 of Roque Fernandes, B.A.,L.T., Udipi.

2. The office D.Dis.4699-31, dated 7th June 1931.

****

The Collector, thinks, after a personal inspection, that the case is hard one. Under the rules, the Collector cannot revise his own orders. The petitioner may appeal to the Board, if so advised. The Tahsildar of Udipi is requested to tell the Petitioner so.

C. Dorairaj,
For Collector.

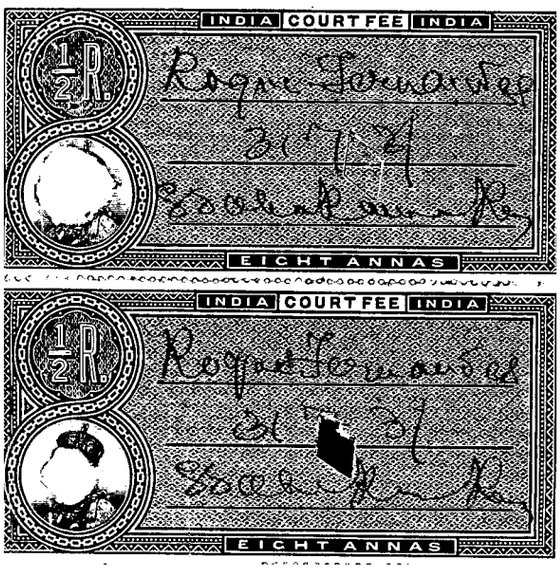
****

L.Dis.10801-31.

Copy with the copy of Collector's D.Dis.4699-31 communicated to the petitioner Mr.R. Fernandes, B.A.,L.T., Udipi.

Taluk Office, Udipi.
Dated 12th July '31.

For Tahsildar.



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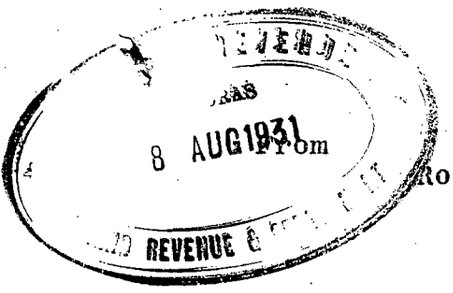

Udipi.
South Kanara.
Dated 5th August 1931.

B 428

From

Roque Fernandes, Esq, B.A., L.T.,
Senior Assistant, Board High School,
Udipi.

To

The Board of Revenue,
Land Revenue and Settlement,
Chepauk, Madras

Board's reference No.B 3981/31 dated 29th July 1931.

Sir,

In obedience to the above reference, I beg to submit herewith the following called for therein in connection with my petition dated 21.7.1931.

1. Certified andystamped copy of the Tahsildar's order
2. Two eight anna court fee labels of the aggregate value of one rupee to be kindly affixed to the Collector's orders already produced with my petition.
3. Copy of the Revenue Divisional Officer is not submitted as no orders have been passed in this case by the said officer.

I beg to remain,
Sir.
Your most obedient servant,

Fernandes

GOVERNMENT OF MADRAS COPY STAMP — THREE ANNAS

O.K. 206/40

Proceedings of the Tahsildar of Udipi Taluk.

order

As the Collector has refused sanction to the assignment of the portions of S. nos 78/3A1 and 78/3B of Mudanidambur applied for, the darkhasts are rejected

(sd) S. D. Souza
Tahsildar

28. 3. 31

(True Copy)
words 44
Errors etc nil

442/31
Mr R. Fernandes

5. 8. 31

5. 8. 31
5-8-31
5-8-31

Head Accountant Treasury
Udipi Tqr office

Copy

Copy

5/8/31

INDIA COURT FEE INDIA
Rs. As. P.
EIGHT ANNAS

13

Assignment, ~~Encroachment~~ Land (South Kanara

Udupi taluk-Mudanidam ~~bow~~ village

S.Nos 78/3A1 & 78/3B2-, Revision petition of Roque Fernandes.

Read - B. No. 3981 —— ~~xxxx~~ 1931(Q)

Reference No.B.3981/31-1 dated 13 · 8 · 31

Forwarded to the Collector of South Kanara for submission of the records with remarks on any allegations in the petition which are not clearly dealt with in the records.

3 ಫೆಬ್ರವರಿ 31

15/

Confidential.

Confl 5508
4-9-31

D.Dis.No.8048/31.

South Kanara Collector's Office
Camp Uppinangadi, 29th Aug.1931

From

Khan Bahadur J. Hussain, Bar-at-Law,
Collector of South Kanara.

The Secretary to the Board
Land Revenue & Settlement,
M a d r a s.

Sir,

Assignment - land -(South Kanara) - Udipi Taluk - Mudanidambur village - S.Nos.78/3A1D and 78/3B2 - Revision petition of Roque Fernandes - Report submitted.

Ref Board's Reference B.No.3981-31-1, dated 13-8-193

I resubmit herewith the revision petition of Roque Fernandes together with its enclosures received with the Board's reference quoted above.

2. The plots concerned in this case are S.Nos. 78/3A1D and 78/3B2 (in the eyesketch at page 5 of Huzu D.Dis.No.1782-31) of Mudanidambur village, Udipi Taluk The portion shaded red in the eyesketch is the Local Fund road. Portion shaded blue contains quarry pits. S.No.78/3A1B has been subdivided for a road margin. The plots lie beyond the road margin and just outside the limits of Udipi Town. The land, though situated in the proximity of a Town, is not very valuable, as pa of it is pits.

3. The petitioner applied to the Tahsildar of Udipi for the assignment of the plots. The Tahsildai submitted the case for Collector's orders, recommendir the assignment and proposing the rate of site value tc be levied. The then Collector (Mr. Wells), however, refused the assignment. Please see his order in D.Di

No.1782-31, dated 14-3-1931. The reason which seems to have weighed with him is that the plots are situated at the junction of five roads and might be useful for a public purpose in the future. The Tahsildar on the strength of this order rejected the petitioner's application. Thereupon the petitioner preferred an appeal to me, which I dismissed in my order D.Dis.No.4699-31, dated 7-6-1931, as I could not interfere with Mr. Weil order. The petitioner again sought a reconsideration of my order. In the meantime, I had an opportunity of inspecting the locality and found that the petitioner's case was a very hard one, but I could not revise the previous orders passed in the matter. The petitioner was informed accordingly. Please see my order L.Dis.No.6598-31, dated 6th July 1931.

4. A major portion of the plots contains quarry pits and there is no doubt that stagnation of water in the pits during the monsoon renders the locality unhealthy. The filling up of the pits also is sure to involve much expenditure, as earth will have to be carted from a distance. Instead of allowing the land to continue to be in its present condition, I think it advisable to assign it after collecting appropriate site value and recommend accordingly.

5. I may also add here that from enquiries made by me at Udipi personally I understand that appellant has been of much help to the local officers in the recent Civil Disobedience Movement and has alwa been a willing and useful co-operator with them.

6. The records noted in the margin are enclosed

(1) Huzur D.Dis.1782-31.
(2) " 4699-31.
(3) "L.Dis.6598-31.
(4) Taluk D.R.206/40.

For Collector.

M.D'S.1/9.

17

Subject.—

R. F. XXII-A-19.—22,094 · 1-2-28. (6)

FOR MEMBER.

Assignment : Ward · (S · Kanara
Udipi Tk - Mudanidambur v.
S. nos. 78. 3A 1D & 78/3 B2 ·
Rep petn of Mr. Roque Fernan···

READ AGAIN B. P. No. _____ dated Orders passed · 192

" " " _____ " _____ 192

READ ALSO :—

B Register No. 3981, From the ~~petr~~, No. _____, dated 21·7· 1931.

B Confdl. 508 " " Collr of S. Kanara, " 8068/31 " 29·8· 1931.
Copy sent
£ _____

" " _____ " " " _____ " _____ " _____ 192.

RESOLUTION (Mis) No. 2845 dated 12·9· 1931.

Issued on 12/9/31

The Board approves the Collr's ~~proposal~~ recommendation to assign the land in question to the petr subject to the payment of Mis ~~upset~~ market value.

2. The petr. is referred to the Collr. for orders on his petn ~~read above~~.

12/9/31

The Govt
12/9/1931

Assignment Land (South Kanara) - Udipi taluk

S — Mudanidambour village - S nos 78/3A1D & 78/3B2

A.S.(I.R.) — Revision petition of Roque Fernandes ...

B 3981/31 — pp 1 & 3 cf

B 4280/31 — p 9 cf

... Please see the petition at pp 1 and 3 cf ...

2 The history of the case is briefly as follows: The petitioner applied to the Tahsildar of Udipi for the assignment of S. nos 78/3A1D & 78/3B2; but under

p 11 cf — the orders of the Collector refusing the assignment the Tahsildar rejected the petition. Then the petitioner

p 5 cf — appealed to the collector and the appeal was dismi Thereupon the petitioner put in a review peti. to the collector to reconsider his orders. The collect inspected the land, found that the petitioner's

p 7 cf — case was hard one and informed him that he might move the Board in the matter, since he could not revise his own orders. ~~The collector's order at p 7 cf~~ ~~does not require investigation and~~ A report with the connected records may be called for.

3 Draft submitted.

11.8.31 — 13.8.31

S

A.M. 13.8.31.

Conf dl 508/31 — pp 15-16 cf

m.r. (In box)

S — Please see the collector's report at pp 15-16 C f in re to the Board's reference at p 13 C f. The lands in

A.S.(I.R.) — question are shown in the eye-sketch at p 5 cf of (2)

S.no 78/3A1B has been ...encroached for a road margin. S nos 78/3A1D (20 cents) and 78/3B2 (.0 cents) contain quarry pits and the Tahsildar reported that they were not useful as road margin. He recommended that the land might be assigned on collection of land value at Rs 500/- an acre for the reason stated at p 3 cf of (A) portion marked B. The present collector has inspected the land and found that the petitioner's case is a hard one. The applicant is reported to have rendered much help to government in connection with the Civil Disobedience movement. The collector recommends that the land may be sold to the petitioner on collection of its appropriate market value. The case seems to fall under S.O. 15-22(f) and the Board may recommend to government, the collector's proposal, to sell the land to the applicant after collecting its market value.

Portion marked A p2cf of (A) — p2 & 7 of (A) — p.1 n.f of (A) — paras at p16 cf — p16 cf — p3 of (V)

NW 7.9.31 CR 7.9.31

The extent of the land applied for is 0-30 acs. The collector can under B.S.O. 15-22-Sub-paras 1 & 3 sell Special valuable land under class (f) to applicants for its estimated market value if he is satisfied that in the event of public auction advantage may be taken by others of the need of the applicants to force up the price unreasonably. In view of the

(V)

of manner realised. The question of the Govt. is not necessary

5 Jaque.

A.M. 9.2.31.

In 2. ASCHR 11/9

ASCHR) To A.S

draft submd

Rec'd 12/9 12.9.31 12-9-31.